

Act shall be referred to as the "Co-operative Marketing Act."

Sec. 2. Article 5742 of the Revised Civil Statutes of 1925 as amended by Senate Bill 84, Acts of the 4th Called Session of the 41st Legislature, Filed in the office of the Secretary of State February 17, 1930, is hereby amended so as to read as follows:

Art. 5742. Powers.—Each Association incorporated under this Chapter shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by the members, or the manufacturing or marketing of the by-products thereof or in connection with the purchase, hiring or use by its members of supplies, machinery or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this article.

(b) To borrow money and make advance to members.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

(f) To buy, hold and exercise all privileges of ownership over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and everything necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights

and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this Act; and to do any such thing anywhere.

(h) To act as a stabilization corporation when recognized as such under the provisions of the Agricultural Marketing Act of the Congress of the United States approved June 15, 1929, and when so acting to have power to deal in the products of non-members without regard to the provisions of Article 5740 supra.

Sec. 3. The fact that there is now no adequate law in this State permitting co-operative marketing corporations to purchase, sell, deal in and handle the agricultural products of non-members as is now provided by the Capper-Volstead law enacted by the Federal Congress in 1922, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

NINTH DAY.

Senate Chamber,
Austin, Texas,
March 6, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.

Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Stevenson:

S. B. No. 56, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, or killing of any wild buck deer, wild doe deer, or wild fawn deer within the limits of the county of Live Oak, State of Texas, for a period of five years from and after the passage of this Act, providing a penalty therefor, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 57, A bill to be entitled "An Act to grant and sell to S. E. Damon certain land with reservation to the State of an interest in the minerals therein; providing terms of sale and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Love, Deberry and Russek:

S. B. No. 58, A bill to be entitled "An Act to amend Chapter 14, Section 10, Acts of the Forty-first Legislature, Third Called Session, relating to the restriction of the payment by the State of tuition for high school students; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Small, Hornsby and Martin:

S. B. No. 59, A bill to be entitled "An Act making it unlawful for any practicing lawyer to become surety upon the bail bond or recognizance

of any person charged with crime, and held in custody within this State, when such lawyer is representing the person so charged for pay, and making it the duty of the sheriff or any officer authorized to approve bail bonds, and the duty of any judge authorized to take a recognizance to refuse to accept the attorney representing the party offering the bond or acceptance as a surety on such bond or recognizance."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Greer:

S. B. No. 60, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land located in El Paso County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Greer:

S. B. No. 61, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Motion to Reconsider.

Senator Woodward spread on the Journal a motion to reconsider the vote by which H. B. No. 1 was indefinitely postponed.

Motion to Recommit.

Senator Woodul moved to recommit S. B. No. 25 to the Committee on State Affairs.

Senator Westbrook moved as a substitute that the bill be recommitment to the Committee on State Affairs with instructions to the committee to report the bill after considering it one hour.

On motion of Senator Hyer, the previous question on the substitute motion was ordered.

The substitute motion was lost by the following vote:

Yeas—6.

Cousins.	Stevenson.
Holbrook.	Westbrook.
Russek.	Woodul.

Nays—23.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Small.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.
McFarlane.	

(Pair Recorded.)

Senator Wirtz (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

On motion of Senator Woodward, the previous question on the original motion was ordered.

The motion was lost.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.
Austin, Texas, March 6, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 7, A bill to be entitled "An Act imposing an occupation tax

upon theatrical, dramatic and musical comedy shows, moving picture shows, opera houses, theatres, tents, air domes and other such structures and for public entertainment operating for private profit; said tax to be collected from the owner, proprietor or operator of such places of entertainment; said tax to be collected from all shows, moving pictures and other public entertainments or exhibitions given for profit in cities, towns and villages; the amount to be graduated according to the population of said cities, towns and villages as described herein, imposing an annual tax according to said population, etc."

H. B. No. 32, A bill to be entitled "An Act to amend House Bill No. 6, Chapter 88, page 172, Acts of the Forty-first Legislature, Second Called Session, by adding under Section 1 subsection O, defining "farm trailer"; by adding subsection P, defining "farm semi-trailer"; by adding subsection Q, defining the phrase "operated or moved temporarily upon the highways" and by including under Section 2 certain "farm trailers" and "farm semi-trailers" with other vehicles exempted from license and registration fees, and creating an emergency."

H. B. No. 38, A bill to be entitled "An Act to add to the Revised Civil Statutes of Texas for 1925 a new article to be known as Article 7047a, to provide for an occupation tax on the business or occupation of owning, operating, managing, or controlling, exchanges which furnish quotations on the stock market on certain commodities or stocks and bonds; providing said Act shall not apply to certain persons, firms, corporations, or associations of persons, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 6, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 57, A bill to be entitled "An Act to amend Article 2781, Re-

vised Statutes, 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts, repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

H. C. R. No. 5.

The Chair laid before the Senate H. C. R. No. 5, relating to an industrial school at Corsicana.
Read and adopted.

House Bill No. 10.

The Chair laid before the Senate on its third reading the following bill:

By Mr. Graves of Williamson, Mr. Keller, Mr. Shaver, Mr. Pope, Mr. Young, Mr. Beck and others:

H. B. No. 10, A bill to be entitled "An Act to provide for the reorganizing, reforming and rehabilitating the Texas prison system and to improve the same into a modern penal institution; to provide for the establishment of industries in connection with the prison system; etc., and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—17.

Beck.	Parrish.
Berkeley.	Stevenson.
Gainer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Moore.	Woodward.
Neal.	

Nays—11.

Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Russek.
Greer.	Small.
Martin.	Wirtz.
McFarlane.	

Absent.

Pollard.

Pair Recorded.)

Senator Hyer (present) who would

vote yea with Senator Miller (absent) who would vote nay.

Senate Bill No. 25.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hyer, et al:

S. B. No. 25, A bill to be entitled "An Act enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage, and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; etc., and declaring an emergency."

Read second time.

Senator Hyer sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 25, Section 1, page 63, Senate Journal, March 3, 1930, column 2, by inserting after the word "or" on line 4 of said section, before the word "facilities" the word "storage."

HYER.

Read and adopted.

Amendment No. 2.

Amend S. B. No. 25, Section 3, column 2, page 63, Senate Journal of March 3, 1930, line 2 of said section, by striking out the word "ten" and inserting therein the word "thirty."

HYER.

Read and adopted.

Amendment No. 3.

Amend S. B. No. 25, Section 3, column 2, page 63, Senate Journal March 3, 1930, by adding after the word "bond" in line 7 of said section the following:

"Which shall not exceed \$25,000."

HYER.

Read and adopted.

Amendment No. 4.

Amend S. B. No. 25, Section 3, page 63, column 2 of Senate Journal for March 3, 1930, by adding after the word "bond" in line 20 of said section the following words:

"Or securities in lieu thereof as provided by Art. 836 of the Revised Civil Statutes of Texas."

HYER.

Read and adopted.

Amendment No. 5.

Amend S. B. No. 25, Section 5, page 64, Senate Journal of March 3, 1930, by adding after the word "thereon" in line 9 of said section, the following words, after substituting a comma for the period after "thereon."

"Except lien for taxes."

HYER.

Read and adopted.

Recess.

On motion of Senator Hyer, the Senate, at 11:56 o'clock, recessed until 2 o'clock.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Simple Resolution No. 12.

Senator McFarlane sent up the following resolution:

Whereas, The New York Giants play the Texas Longhorns this afternoon at Clark Field; therefore be it

Resolved by the Senate That the Lieutenant Governor be requested to permit the pages to attend the ball game in care of Mr. J. T. McLendon.

Small, Wirtz, Love, Moore, Cousin, Woodward, Russek, Hardin, Beck, Hyer, McFarlane, Parr, Greer, Parrish, Berkeley, DeBerry, Williamson, Stevenson, Thomason, Woodul, Holbrook, Gainer, Neal.

Read and adopted.

Senate Bill No. 25.

The question recurred on S. B. No. 25.

Senator Woodward sent up the following amendment:

Amendment No. 5.

Amend S. B. No. 25 by striking out Section 14, page 6, thereof, and inserting in lieu thereof the following:

"This Act shall be construed as in

addition to and cumulative of all other laws now in force and is not to be construed as any impairment of or limitation of any law now in force."

WOODWARD.

Read and adopted.

Senator McFarlane sent up the following amendment:

Amendment No. 6.

Amend S. B. No. 25, Section 13 page 65, by adding to the end of said section the following:

"And it is hereby declared that the Legislature would have passed any section or provisions hereof independently of all other sections or provisions."

McFARLANE.

Read and adopted.

Senator Woodul sent up the following amendment:

Amendment No. 7.

Amend S. B. No. 25 by striking out Sections 1, 2, 3, 4, 5, 6 and 7, and renumber Sections 8, 9, 10, 11, 12, 13, 14 and 15, as numbers 1 to 7, consecutively.

WOODUL.

The amendment was read.

Senator Hyer moved to table the amendment. The motion prevailed.

Senator Wirtz sent up the following amendment:

Amendment No. 8.

Amend S. B. No. 25 by striking out of Section 8 the following:

"And without unjust or unreasonable discrimination as between fields in this State."

WIRTZ.

The amendment was read.

Senator Hyer moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Small.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Witt.
Moore.	Woodward.

Nays—7.

Cousins. Holbrook.

Hornsby.
Miller.
Stevenson.

Wirtz.
Woodul.

Absent.

Beck.
Greer.
Hardin.

Patton.
Pollard.
Westbrook.

(Pair Recorded.)

Senator McFarlane (present) who would vote yea, with Senator Russek (absent) who would vote nay.

Senator Cousins sent up the following amendment:

Amend S. B. No. 25 as follows:

By striking out Section No. 1 thereof and inserting in lieu of said Section No. 1 the following:

Section 1. Every person, association of persons, or corporation who shall after the passage of this Act own, operate, or manage any crude petroleum storage tanks or storage facilities for the public for hire, either in connection with a pipe line, pipe lines, or otherwise, is hereby declared to be a public utility, subject to the provisions of this law.

COUSINS.

Read and lost.

Senator Cousins sent up the following amendment:

Amend S. B. No. 25, page 2, Section 36 as follows:

By inserting after the last word in paragraph three (3) the following:

Providing that the provisions of this Act shall not apply to the producers of oil who store petroleum only for their royalty owners.

COUSINS.

Read and lost.

The bill as amended passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.
Berkeley.
Cunningham.
DeBerry.
Gainer.
Hardin.

Holbrook.
Hornsby.
Hyer.
Love.
Martin.
McFarlane.

Miller.
Moore.
Neal.
Parr.
Parrish.
Small.

Thomason.
Westbrook.
Williamson.
Witt.
Woodward.

Nays—4.

Cousins.
Stevenson.

Wirtz.
Woodul.

Absent.

Greer.
Patton.

Pollard.
Russek.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.
Berkeley.
Cunningham.
DeBerry.
Gainer.
Hardin.
Hornsby.
Hyer.
Love.
Martin.
Miller.

Moore.
Neal.
Parr.
Parrish.
Patton.
Small.
Thomason.
Westbrook.
Williamson.
Witt.
Woodward.

Nays—4.

Cousins.
Holbrook.

Stevenson.
Woodul.

Absent.

Greer.

(Pairs Recorded.)

Senator McFarlane (present) who would vote yea, with Senator Russek (absent) who would vote nay.

Senator Wirtz (present) who would vote nay, with Senator Pollard (absent) who would vote yea.

House Bills Referred.

H. B. No. 32, referred to Committee on Highways and Motor Traffic.

H. B. No. 38, referred to Committee on State Affairs.

H. B. No. 7, referred to Committee on State Affairs.

H. B. No. 57, referred to Committee on Educational Affairs.

House Bill No. 2.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Sanders:

H. B. No. 2, A bill to be entitled "An Act amending Article 7066, Revised Civil Statutes, relating to occupation taxes on the production of sulphur, which amendment provided for an occupation tax of one dollar per long ton of all sulphur produced within the State of Texas; providing for reports and records; imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; directing the bringing of suit for the recovery of taxes, penalty and interest, and declaring an emergency."

Read second time.

Senator Moore sent up the following substitute for the committee amendment:

By Moore. Substitute for pending amendment.

Amend H. B. No. 2 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That every person, in the State of Texas, engaged in mining, producing, severing, or extracting in this State the following natural resources from the soil or water of this State, to-wit: sulphur, gas, salt, coal, lignite, clays and ores, marble, crushed stone, shells, and other natural deposits, shall pay to the State of Texas an occupation tax equal to the amounts and on the quantities hereinafter set out, mined, produced, or severed from such soil and/or water at the source of such natural resources. Such tax shall be due and payable at the office of the Comptroller at Austin, Texas, on the 25th day of each month, based on the quantities of such natural resources mined, produced, or severed from the soil and/or water of this State during the calendar month next preceding.

Sec. 2. The occupation tax hereby imposed shall be based, computed, and paid on the basis and in the following manner, on the quantity severed, mined, or produced;

1. On turpentine (crude gum), ten (10) cents per barrel of 400 pounds.

2. On gas, one (1) cent per thousand cubic feet, at the well, none of which shall be charged to the royalty owner.

3. On sulphur, fifty-two (52) cents per long ton of two thousand two hundred and forty pounds.

4. On salt, two (2) cents, per ton of two thousand pounds.

5. On coal, five (5) cents per ton of two thousand pounds.

6. On lignite, two (2) cents per ton of two thousand pounds.

7. On ores, five (5) cents per ton of two thousand pounds.

8. On marble, ten (10) cents per ton of two thousand pounds.

9. Shale, clay, gypsum and other natural resources used in the manufacture of cement, lime, brick, sewerpipe and other like products, two (2) cents per ton of two thousand pounds.

10. Rock asphalt and other natural resources used for paving surfaces not herein specified two (2) cents per ton of two thousand pounds.

11. On stone, crushed rock, sand and gravel two (2) cents per ton of two thousand pounds.

12. On shells, two (2) cents per ton of two thousand pounds.

13. Brick clays one (1) cent per ton of two thousand pounds. Provided, however, that nothing in this Act shall require the making of any report or the payment of any tax where the same could not be subject to a tax under the Constitution and laws of the State of Texas or the United States, and providing that the failure of the Comptroller to furnish any form shall constitute no defense for failure to make any report.

Sec. 3. Every such person so liable for said tax shall, on or before the 25th day of each month, make and deliver to the Comptroller a report sworn to as correct by such person before an officer authorized to administer oaths in this State (or if other than an individual, so sworn to by the president, secretary, treasurer, or other duly authorized officer or representative in charge of the mining, producing, or severance of such resources, and the office or residence of such person, including the principal officers or members thereof, and their addresses), on such forms as said Comptroller shall prescribe, which, in addition to the information that may be required by the Comptroller,

shall show the total quantities of resources mined, produced, or severed, the source thereof, the quantity used, sold, shipped, or otherwise disposed of.

Sec. 4. All taxes, penalties, and interests due by any distributor to the State of Texas, shall be a preferred lien upon all of the property, both real and personal, of any such person required to pay this tax, either devoted to or used in such business.

Sec. 5. Persons liable for said tax, shall, together with said report, remit the proper amount due, on the basis hereinbefore set out, in legal tender to the Comptroller of Public Accounts, less one per cent (1) of such sum for loss of evaporation, who shall deposit said funds with the State Treasurer, one-fourth ($\frac{1}{4}$ th) thereof to go to the Available School Fund, and the other three-fourths ($\frac{3}{4}$ ths) to the General Revenue of the State, and if any person shall fail to remit said taxes when due, he shall be liable for a penalty of twenty-five per cent (25%) of the amount due, together with ten per cent (10%) interest, all of which shall constitute a preferred lien, as aforesaid, and suit to collect the same may be brought in Travis County, Texas by the Attorney General, and if any person shall fail to pay the proper taxes due hereunder an auditor may be employed by the Comptroller or the Attorney General to audit the books and records of such person, and such person shall be liable for the reasonable expenses thus incurred as an additional penalty.

Sec. 6. It is expressly provided that the State Tax Board shall take into consideration in their determination of the rate to be collected for public free school purposes as provided in Article 7043, Revised Civil Statutes, the amount of money paid into the available school fund under the provisions of this Act in the following manner, that said Tax Board shall determine the rate which will be sufficient to yield and produce for the fiscal year under consideration, the necessary per capita for all the children within the scholastic age as shown by the most recent official scholastic census, as provided in said Article 7043, Re-

vised Civil Statutes, and deduct from such rate so determined, such percentage and rate as would be necessary to produce a sum of money equal to the amount paid into the Treasury under the provisions of this Act during the first half of the current calendar year and the latter half of the preceding calendar year, and the rate and percentage so found shall constitute the ad valorem rate to be levied and collected for public free school purposes.

Sec. 7. Every person engaging in such business required to pay a tax hereunder, shall keep a complete set of records, showing the amount of resources recovered during said period, the disposition made thereof, and if the same was shipped or sold, the name of the person to whom sold, and the quantity, and if used or otherwise disposed of, the manner in which used and the quantity, and shall keep such other records as may be required by the Comptroller. Such records shall be kept for a period of two (2) years from the date of last entry.

Sec. 8. If any person required to pay a tax under the provisions hereof, or any agent, employee, or representative of any such person, shall fail or refuse to keep the records required to be kept by the provisions of this Act, or shall mutilate, destroy, alter, or secrete any of said records, or shall deny the Attorney General or Comptroller, or any of their representatives, access thereto, or obstruct their examination thereof, or fail to make the report required to be filed under the provisions hereof, or make any false statement in any report required to be filed under the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00), or be confined in the county jail not more than six (6) months, or both such fine and imprisonment, and in addition, shall be liable for a penalty of one hundred dollars (\$100.00) per day for each day's violation. Any such person violating any of the other provisions hereof shall be liable for said civil penalty.

Sec. 9. The provisions of this Act are severable, and if any of the

provisions hereof shall be held void, the decisions of the court shall not affect or impair any of the remaining provisions of this Act, and it is hereby declared as the legislative intent that this Act would have been adopted had any such void provision not been included therein, and the tax herein levied upon the objects, and subjects enumerated herein would have been levied or imposed upon the remaining objects and subjects, to the exclusion of such objects and subjects as this Act may be invalid as to, without the inclusion of such invalid objects and subjects it being the intention to impose an occupation tax upon the first and single mining, production, or severance of such natural resources.

Sec. 10. The fact that there is now not sufficient revenue forthcoming to sustain and maintain the government; the fact that there are many objects and subjects not now being taxed that should be taxed; that the natural resources of the State are being rapidly consumed, leaving the State without any revenue by way of taxation in the future, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The substitute was read in part.

Senator McFarlane raised the point of order that the substitute was not germane and that it changed the purpose of the original bill.

The Chair overruled the point of order.

Senator Woodward moved that further reading of the substitute be dispensed with and the substitute printed in the Journal.

Senator Wirtz called for a division of the question.

The motion to dispense with further reading prevailed.

Executive Session Set.

Senator Williamson moved to go into executive session tomorrow morning at 11 o'clock. The motion prevailed.

Adjournment.

On motion of Senator Woodward the Senate, at 4:51 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, March 6, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Lands and Land Office, to whom was referred

S. B. No. 60, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land located in El Paso County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 6, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 53, A bill to be entitled "An Act amending Article 916 of the Penal Code of the State of Texas of 1925 relating to wild turkeys so as to further extend the period of time during which it is unlawful to take, kill, wound, shoot at, hunt for or possess, dead or alive, wild turkeys in certain counties, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 5, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 44, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 26, Acts of the Fourth Called Session of the Forty-first Legislature, with reference to salaries of county judges and county commissioners, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Parrish.

S. B. No. 44.

A BILL

To Be Entitled

An Act amending Section 1 of Senate Bill No. 26, Acts of the Fourth Called Session of the Forty-first Legislature, with reference to salaries of county judges and county commissioners; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Senate Bill No. 26, Acts of the Fourth Called Session of the Forty-first Legislature, is hereby amended so as to read hereafter as follows:

"The salary of each county commissioner and each county judge may be paid wholly out of the county general fund or, at the option of the commissioners' court, may be paid out of the county general fund and the county road and bridge fund in the following proportions: For each commissioner, not to exceed seventy-five (75%) per cent out of the road and bridge fund and the remainder out of the general fund; and for each county judge, not to exceed twenty-five per cent (25%) out of the road and bridge fund and the remainder out of the general fund; provided, this Act shall not apply in

counties where the limit of twenty-five (0.25c) cents ad valorem tax for general county purposes is not levied."

Sec. 2. The fact that the change herein made with reference to salaries of county judges and county commissioners should take place as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 6, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 54, A bill to be entitled "An Act authorizing counties of a certain class according to population and cities situated therein owning a joint interest with such counties in a hospital, to lease such hospital to be operated as such; prescribing regulations related to said subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Parr.

S. B. No. 54.

A BILL

To Be Entitled

An Act authorizing counties of a certain class according to population and cities situated therein owning a joint interest with such counties in a hospital, to lease such hospital to be operated as such; prescribing regulations related to said subject; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any county in this State having a population of not less than 38,000 and not more than 39,000 according to the United States census of 1920, shall have authority to lease any county hospital belonging to said county to be operated as

a hospital by the lessee of same under such terms and conditions as may be satisfactory to the commissioners' court and the lessee. The action of the commissioners' court in leasing such hospital shall be evidenced by order of the commissioners' court, which order shall be recorded in the minutes of said court.

Sec. 2. The authority herein granted to certain counties shall also extend to cities in such counties owning a joint interest with any such counties in a hospital. Any such hospital may be leased to be operated by the lessee as a hospital upon such terms and conditions as may be agreed upon by the commissioners' court, the proper authorities of such cities and the lessee. The

action of such cities in leasing such hospital shall be evidenced by order of the proper authorities of such cities, which order shall be recorded in the minutes of said authorities.

Sec. 3. The fact that certain counties and certain cities in such counties jointly own hospitals and the fact that the class of counties and cities mentioned in this Act should be given authority to lease such hospitals for operation by the lessee, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

In Memory of Honorable H. A. Tillett

SIMPLE RESOLUTION NO. 13.

Senator Cunningham sent up the following resolution:

WHEREAS, The Senate of Texas has heard of the death of Honorable H. A. Tillett, of Abilene, Texas, and,

WHEREAS, He was an able, honored and valued member of the Senate of the State of Texas, in the Twenty-fifth Legislature; and,

WHEREAS, He rendered notable service to the State throughout the period of his public life; therefore be it

RESOLVED, That the Senate of the Forty-first Legislature record its deep appreciation of his earnest labors, his broad statesmanship and his sterling character, the qualities which made him in public service and in private life

"A tower of strength which stood foursquare
To all the winds that blew."

RESOLVED, That the Secretary be instructed to send a copy of this resolution to the family of Senator Tillett, that a page in the Journal be set aside in his honor, and that the adjournment of the Senate today be in respect to his memory.

CUNNINGHAM,
HORNSBY,
MOORE.

Read and unanimously adopted by a rising vote.